

part by any surface mining activity, including exploration for or removal or production of minerals or materials, the Secretary shall notify the person conducting such activity and prepare a report, including the basis for the Secretary's finding that such activity may cause irreparable loss or destruction of a landmark. The Secretary submits the report to the Advisory Council on Historic Preservation, along with a request for advice from the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity. Authority for this Secretarial action is contained in section 9 of the Mining in National Parks Act of 1976 (90 Stat. 1342, 16 U.S.C. 1908).

(d) *Environmental Review.* Federal agencies are responsible for considering the existence and location of natural landmarks when assessing the effects of their actions on the environment under section 102(2)(c) of the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321). NPS is responsible for providing natural landmark information for these assessments.

#### **§ 62.7 Natural landmark modifications.**

(a) After designation, it may be appropriate to modify a natural landmark. For example, due to new information or changes in the condition of an area, it may be necessary to expand or reduce a natural landmark boundary, or otherwise modify information describing the area. Additional study may reveal that the site possesses nationally significant values which had not been previously documented. Also, the ownership of a landmark may change, or the present owner(s) may not fulfill the voluntary agreement, and the plaque and certificate may be reclaimed.

(b) If the modification involves only a change in owner agreement status due to a change in ownership, the agreement with the previous owner(s) is terminated, and an agreement is sought with the new land owner by the appropriate NPS Regional Office, according to § 62.4(g).

(c) NPS determines that landmark modifications are necessary through administration of the program. In addition, NPS receives suggestions for

landmark modifications from other Federal agencies, State natural area program, and other public and private organizations or individuals. NPS determines the validity of these suggestions by applying the natural landmark criteria and/or conducting additional study, as needed. If they are determined to be valid, the designation process outlined in § 62.4 (b) through (f) is used. The Secretary approves all modifications in natural landmark boundaries, and the description of a landmark's nationally significant values. Secretarial approval is not required for other changes in landmark documentation.

#### **§ 62.8 Natural landmark designation removal.**

Natural landmark designation is removed from an area (i) when the values which originally qualified it for designation have been lost or destroyed; (ii) upon proof that an error in professional judgment has been made; or (iii) for substantial failure to follow the procedures set forth herein. Any party may initiate a removal action by submitting a petition specifying the loss of natural values, error in professional judgment, or procedural error to the Director, National Park Service, Washington, D.C. 20243. If NPS verifies that a natural landmark appears to no longer merit designation, the following procedure is used:

(a) *Evaluation.* Information outlining the grounds for removal is evaluated by NPS, as outlined in § 62.4(c). Based on this evaluation, NPS determines whether grounds for removal appear to exist.

(b) *Notification of Potential Removal from the Registry.* (1) When NPS determines that grounds for removal appear to exist, NPS notifies the owner(s) and the other recipients identified in § 62.4(d). Notice of the proposed removal appears in the FEDERAL REGISTER. The individuals notified have an opportunity to comment within 60 days of the date of the notice before a recommendation for removal is submitted to the Secretary. All comments received are considered in the review and decision to remove the national natural landmark designation.